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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,171	10/01/1999	KHURSHED MAZHAR	3797.80030	7939
22801	7590	10/20/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BECKER, SHAWN M	
			ART UNIT	PAPER NUMBER
			2173	23
DATE MAILED: 10/20/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/411,171	MAZHAR ET AL.
	Examiner Shawn M. Becker	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 18-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 18-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

This action is in response to communication filed 8/4/03.

Response to Amendment

1. The declaration filed on 8/4/03 under 37 CFR 1.131 is sufficient to overcome the March 18, 1999 press release by Realnetworks reference.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18, and 20-21 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over RealPlayer G2™ ©1998 (hereinafter RealPlayer) as supported by the screenshots provided along with the original PTO-892 Notice of References cited mailed 9/25/02 and the press release “Realnetworks Ships Final Release of Realsystem G2, Next Generation Media Delivery System” (hereinafter Press Release) provided with the PTO-892 Notice of References cited mailed 2/27/03.

Referring to claim 18, RealPlayer is implemented in a computer system having a display device and a speaker for playing a source of streaming media. RealPlayer is a program that accesses data and files (audio and video files) from the World Wide Web. It reads and processes hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser pane (see screenshot 2, right half). The graphical user interface comprises a radio toolbar for displaying at least one button capable of controlling said first source of streaming media (i.e. the play button, mute button, and Presets menu in screenshot 2). It is not explicitly shown in the screenshots of RealPlayer, but it is implicitly implied that the radio toolbar of RealPlayer has at least one button for controlling the first source of streaming media irrespective of the web page content being browsed. It is apparent that the user may play streaming media, from the "Presets" menu for example, while the Web page content being browsed within screenshot 2 concerns the auto update feature of RealPlayer. The preset stations and the auto update feature are irrespective of each other. As another example, the user of RealPlayer may search the Web while playing the streaming media, as indicated by the "excite" and "search" areas within screenshot 2. This is further supported in page 2 of the Press Release under the section "RealAudio and RealVideo Search", which describes integrating the RealPlayer with a Web browser. The current streaming media will continue to play until the user selects a different streaming media from the search results. Furthermore, controls are provided in RealPlayer for stopping, muting, and changing the volume of the first source of streaming media (Fig. 2), which does not affect the content displayed in the minibrowser (right portion of Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art to ensure the buttons in the radio

toolbar of RealPlayer control the first source of streaming media irrespective of the Web page content being browsed, such that the browsing does not interrupt the play of the streaming media and the streaming media does not interrupt the browsing of the Web page.

Referring to claim 20, RealPlayer teaches a computer system having a display device for rendering a graphical user interface of a Web browser (RealPlayer) displaying Web page content in a browser pane (minibrowser on right side of screenshot 2) and having at least one speaker for playing a first source of streaming media. The graphical interface (RealPlayer) has at least one explorer bar (Channels bar and Search bar in screenshot 2) for providing a display area adjacent to the browser pane. The Channels bar is registered with the Web browser (RealPlayer) as a band object. The explorer bar allows user input regarding the first source of streaming media irrespective of the Web page content present in the browser pane. For example, the user may select the first source of streaming media to be from the “Video Music Network” (screenshot 2) while searching for other streaming media as described above.

Referring to claim 21, RealPlayer teaches a computer-readable medium having computer-executable components comprising:

a) a radio server component for playing a radio source of streaming media (i.e. broadcasting radio station making music available, such as the ones in the Channels bar) irrespective of content being displayed in a simultaneously used Web browser as described above regarding integrating a Web browser with the RealPlayer to search for media files, for example;

b) an interfacing component for communicating with the radio server component (RealPlayer window in Screenshot 3); and

c) at least one radio-client component communicating through the interfacing component in order to provide instructions to the radio server component regarding the radio source of streaming media (i.e. control buttons in toolbar of RealPlayer in Screenshot 3).

5. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over RealPlayer and Applicant's Admitted Prior Art (hereinafter AAPA).

Referring to claim 19, RealPlayer is implemented in a computer system having a display device and a speaker for playing a source of streaming media. RealPlayer is a program that accesses data and files (audio and video files) from the World Wide Web. It reads and processes hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser pane (see screenshot 2, right half).

a) The graphical user interface comprises a radio toolbar for displaying buttons capable of controlling said first source of streaming media (i.e. the play button, mute button, and Presets menu in screenshot 2) irrespective of the Web page content being browsed as described above.

The interface of RealPlayer contains:

- i) a play button for instructing the Web browser (RealPlayer) to play the first source of streaming media (see toolbar near top of screenshot 2);
- ii) a mute button for instructing the Web browser to silence the first source of streaming media (button above word "video" in screenshot 2);

- iii) a volume slider for controlling the volume of the first source of streaming media played over the speaker (see slider above mute button in screenshot 2);
- iv) a radio-stations button allowing user selection of the first source of streaming media (see Channels bar in screenshots 2 and 3);
- v) an information area displaying information about the first source of streaming media (see clip info in screenshot 3).

RealPlayer does not show that the mute button, volume slider, radio-stations button, and information area are in the same toolbar as the play button, but RealPlayer does show that these control buttons can be placed in the same toolbar. RealPlayer supports this teaching by showing the mute button can be in the toolbar, when the view is set to Compact Mode (screenshot 4). In Fig. 13 of the Instant Specification, which shows that which is Prior Art, the toolbar in Windows Media Player © contains a play button, mute button, volume slider, and information area. It would have been obvious to one of ordinary skill in the art to place the volume, slider, radio-stations button, and information area of RealPlayer in the same toolbar as the play button as shown in the AAPA in order to keep all audio controls near each other.

- b) RealPlayer further comprises at least one explorer bar for providing a display area adjacent to the browser pane, which is capable of displaying information and allowing user interaction (see Channels bar and Search bar in screenshot 2).
- c) The graphical user interface of the Web browser (RealPlayer), further comprises a menu bar that includes a plurality of menu entries: File, View, Options (Tools), Presets (Favorites), Sites (Favorites), and Help. The Presets and Sites menu entries both provide links to commonly navigated sites on the Web, just as the Favorites menu entry. The Web browser in

Fig. 13, which shows that which is Prior Art, comprises a menu bar that includes the menu entries: File, Edit, View, Tools, and Favorites. It would have been obvious to group the Presets and Sites menu entries of RealPlayer into one menu entry and to add the Edit menu entry in order to provide cut and paste operations as is done in the Internet Explorer™ browser.

d-f) The graphical user interface shows a status bar showing a current status for the Web page (see bottom of screenshot 2). RealPlayer shows a minibrowser, which does not include a standard-button toolbar consisting of navigation-toolbar buttons: Back, Forward, Stop, Refresh, Home, Search, History, Print, Mail, and Edit. RealPlayer also does not show an address bar identifying an address for the Web page being displayed by the Web browser in the browser pane. However, RealPlayer teaches launching a Web browser, such as Netscape Navigator™ or Internet Explorer™, when the user selects a site from the Sites menu. Page 2 of the Press Release under the section “RealAudio and RealVideo Search” further describes integrating the RealPlayer with a Web browser. Internet Explorer™ (shown in Fig. 13 of Instant Specification) includes the standard-button toolbar and an address bar. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the standard-button toolbar and address bar in the minibrowser of RealPlayer, in order to enhance the capabilities of the minibrowser and prevent the user from having to switch between windows.

Response to Arguments

6. Applicant's arguments with respect to claims 18 -21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the March 18, 1999 press release by Realnetworks be removed as prior art based on the Declaration under 37 C.F. R. §1.131, thus claims 18-21 are rejected under

new grounds. Applicant further argues with respect to claim 19, that the previous office action (mailed 2/27/03) "admits that RealPlayer and the AAPA do not teach the limitation in claim 19, that the radio toolbar displays at least one radio-toolbar button capable of controlling the first source of streaming media irrespective of the Web page being browsed." However, the previous action does not admit the limitation is not taught; rather, that it "is not explicitly shown". While the March 18, 1999 press release by Realnetworks more explicitly teaches this limitation, the limitation is still implicitly taught by RealPlayer as described above.

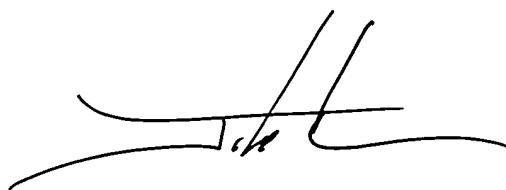
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-Th 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb



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